

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 28, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Rose Rodriguez., Larry M. Medina, John Cook, Daniel S. Power, Paul J. Escobar, Luis G. Sariñana and Anthony W. Cobos. Absent: Jan Sumrall. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

No action was taken on the discussion and action to remove the Illegal/Improper Nonconforming Structure Status issued by Building Services to a homemade 200 square foot sign located at the corner of Raynor and Central and cause compliance with setback requirements. [Joe Solis]

Mr. Joe Solis, citizen, commented and provided back-up information and photographs. He asked to remove the non-conforming status for homemade signs.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to refer to the City Attorney's Office the discussion and action on City Council Rules and to bring the item back to City Council at a later date.

Representative Sariñana suggested that exact wording is drafted.

Ms. Rita Rodriguez, City Attorney, gave legal advice.

Mr. Jerry Mangrum, citizen, expressed his concerns.

Ms. Lisa Turner, citizen, expressed her disagreement with the new rules but added that some people abuse their rights.

Mr. Ray Gilbert commented on equal rights and added Council has the right to restrict public comment but with equality on length of time and no favoritism.

Mr. Charlie McNabb, Chief Administrative Officer, commented and gave further information.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council be authorized to accept a donation of thirty (30) Afghanistan pine trees, which are highly recommended for this area as they grow well in alkali soil, on behalf of the City of El Paso Solid Waste Management. Mrs. Peggy Schluchter and a group of environmentally concerned mothers, in their efforts to promote environmental conservation and recycling, are planning a field trip with their young children to plant the trees to serve as windbreak at the McCombs Landfill.

Ms. Emma Acosta, Solid Waste Management Director, revised the resolution from 30 Eastern Redcedar Evergreen trees to 30 Afghanistan pine trees.

Ms. Peggy Schluchter, donor, provided explanation.

Mayor Caballero and Representative Cook thanked Ms. Schluchter for donating the trees and for caring about the community.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution as revised.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to recess City Council Meeting to discuss the Mass Transit Board Meeting at 9:15 a.m.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 9:18 a.m.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and the Federal Bureau of Investigation (FBI) relating to a special joint law enforcement task force from October 1, 2002 through September 30, 2003, whereby the Police Department will work with the FBI's task force.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a Grant Award for the City of El Paso Police Department for a COPS Creating a Culture of Integrity Initiative Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$125,000.00 for the purpose of implementing a Multi-Agency Referral System Program by the Police Department; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required and any documents to request and accept an extension of the award ending date for the grant. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the City of El Paso, a Local Project Advance Funding Agreement between the City and the State of Texas, acting by and through the Texas Department of Transportation ("TXDOT"), to allow the City to implement the Rio Grande Trail System which will provide public recreational facilities demonstrating an alternative means of transportation for use by pedestrians, bicyclists and possibly horseback riding; being in furtherance of utilizing funding received from the Texas Department of Transportation under the Statewide Transportation Enhancement Program; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN AND SUBMIT REVISIONS TO THE REDISTRICTING PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE FOR APPROVAL.

WHEREAS, on June 25, 2002, the City Council approved the Redistricting Plan recommended by the Districting Commission revising City Representative District boundaries; and

WHEREAS, on November 4, 2002, the City Attorney's Office received notification from the Department of Justice that the City's submission of the Redistricting Plan received preclearance with no objections; and

WHEREAS, City staff, in conjunction with County staff, has discovered inadvertent minor misplacements of a few district boundaries; and

WHEREAS, the revisions are consistent with the boundaries and guidelines adopted by the Districting Commission to conform to the voter precinct lines established by the County; and

WHEREAS, the revisions do not drastically affect voter population from one representative district to another and will not result in any violations of the Voting Rights Act; and,

WHEREAS, if there are revisions to the City Council Representative District Boundaries, it is required that such revisions be forwarded to the United States Department of Justice.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council accepts and approves the revisions to the Redistricting Plan as depicted on the attached Exhibits "A" through "H" (Exhibits A through H on file in the City Clerk's Office), and that the Mayor or his designee be authorized to sign and submit the revisions to the Redistricting Plan to the Office of the United States Department of Justice for approval.

Ms. Lisa Turner, citizen, advised that the Department of Justice would have to give the City clearance and that the City will not get it back in the beginning of the filing period.

Representative Cook commented on split precincts and the mandates from the districting committee.

Mayor Caballero added comments.

Mr. Charlie McNabb, Chief Administrative Officer, commented on the clearance from Department of Justice.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council Representatives are authorized to sign a letter urging Senators Hutchison and Cornyn to nominate federal judicial appointee candidates from El Paso for the Western District of Texas, El Paso Division.

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Motion made, seconded and unanimously carried to move to the regular agenda the following

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the City Council of the City of El Paso (City) voted on August 17, 1993 to apply under the provisions of the 1992 Cable Act for certification to regulate the rates of the basic service tier and associated equipment of its non-exclusive cable television operator and franchisee, Time Warner Communications; and

WHEREAS, the City filed as a franchising authority FCC Form 328 with the Federal Communication Commission (FCC) on October 12, 1993 in an effort to be certified to regulate the rates of the basic service tier and associated equipment of Time Warner Communications as required by 47 C.F.R. 76.910(b); and

WHEREAS, the City is presumed, effective November 11, 1993, to have the necessary certification to regulate the rates of the basic service tier and associated equipment of Time Warner Communications under 47 C.F.R. 910(e); and

WHEREAS, on or about December 31, 2002, Time Warner Communications filed with the City a request for an change in the rate charged to subscribers for basic tier services; and

WHEREAS, on January 22, 2003, the Office of the City Attorney determined that it has insufficient information and expertise to determine whether the requested rate for basic tier services is within the reasonable rate standard established by the FCC; and

WHEREAS, the Office of the City Attorney has recommended to City Council that it invoke the additional 90 day period of time for extended review of the rate change requested by Time Warner Communications, as provided in Section 15.17.030 of the El Paso Code of Ordinances; and

WHEREAS, the Office of the City Attorney has further recommended to City Council that experts in the area of cable rate regulation be engaged to perform an analysis of the rate change requested by Time Warner Communications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the recommendations of the Office of the City Attorney be approved and adopted as set forth herein; and

THAT City Council finds that it is unable to determine whether the rate change requested by Time Warner Communications is within the FCC's reasonable rate standard based on the material before it; and

THAT the City Council by adoption of this resolution, invokes the additional 90 day period of time provided by Section 15.17.030 of the El Paso Code of Ordinances to ensure that the rate change is within the FCC's reasonable rate standard as determined by the applicable price cap; and

THAT the Mayor and the Office of the City Attorney be authorized to contact and negotiate with experts in the area of cable rate regulation for services in connection with an analysis of the rate change requested by Time Warner Communications.

Representative Cobos questioned Ms. Rita Rodriguez, City Attorney, on the rate increase and the last time an increase was requested.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to approve the above Resolution

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Nine Thousand And No/100ths Dollars (\$ 9,000.00 - \$4,255 loan/\$4,745 grant) against the following described real property:

Lot 4, Block 24, Parkdale Addition Unit Three, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 25, Page 14, Plat Records of El Paso County, Texas; also known and numbered as 612 Medina, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Nine Thousand And No/100ths Dollars (\$ 16,500.00) against the following described real property:

The East ½ of Lot 26, and all of Lot 27, Block 292, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas; also known and numbered as 1017 East California, El Paso, Texas 79902.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Thirteen Thousand Five Hundred And No/100ths Dollars (\$ 13,500.00 - \$12,825 loan/\$675 grant) against the following described real property:

Lot 3, Block "A", Deal Addition to the City of El Paso, El Paso County, Texas, according to the map on file in Volume 576, Deed Records of El Paso County, Texas; also known and numbered as 774 Frederick Road, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Four Thousand Two Hundred Fifty And No/100ths Dollars (\$ 4,250.00 - \$1,733 loan/\$2,517 grant) against the following described real property:

Lots 39 and 40, Block 11, Summit Place Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 2, Page 33, Plat Records of El Paso County, Texas; also known and numbered as 3208 Harrison Avenue, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Grant Agreement of December 30, 1996 between the City of El Paso and the Girl Scouts of the Rio Grande, formerly known as the Rio Grande Girl Scout Council, to extend the grant agreement termination date of January 31, 2003 to June 30, 2003, for the purpose of administering the City of El Paso's federally designated Enterprise Community Volunteer Youth Mentoring Services Initiative.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Consultant Services Agreement by and between the **CITY OF EL PASO** and **PASCHOLD & ASSOCIATES SAFETY CONSULTANTS, Inc.**, for professional safety engineering and loss prevention services for a period of one (1) year in an amount not to exceed SEVENTY THOUSAND AND 00/100 DOLLARS (\$70,000.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **Mijares-Mora Architects, Inc.**, for a project known as **"Memorial Park Improvements,"** in an amount not to exceed TWO HUNDRED FIFTY THOUSAND FOUR HUNDRED SIXTY-THREE and 72/100 DOLLARS (\$250,463.72).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewals with the Texas Department of Health:

Tuberculosis Elimination Division
Document No. 7460007499-2004, Attachment No. 03

Bureau of HIV and STD Prevention
Document No. 7460007499-2004, Attachment No. 01

TB – Prevention and Control
Document No. 7460007499-2003, Attachment No. 07A

Bureau of HIV and STD Prevention
Document No. 7469997499-2003, Attachment No. 03B

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Gail Rigby covering an exhibit of "SS Charm Bracelets" at the Clardy Fox Branch of the El Paso Public Library System for the period of March 1 through March 30, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Gail Rigby covering an exhibit of "Swords and Knives" at the Clardy Fox Branch of the El Paso Public Library System for the period of February 1 through February 28, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Terry Sunday covering an exhibit of "Prints of Digital Space Artwork" at the Westside Branch of the El Paso Public Library System for the period of March 1 through March 31, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign a contract with The Piatigorsky Foundation covering four "Strings & Stories" concerts to be performed at the Main Library and three Branch Libraries in accordance with the following schedule:

February 5	Ysleta Branch
February 6	Armijo Branch
February 8	Main Library
February 8	Westside Branch

The cost to the City for this contract is \$400; the Friends Groups for the Ysleta and Westside Branch libraries are covering the remaining cost of \$400.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized sign a loan agreement, on behalf of the City of Paso, for the exhibition *Celia Alvarez Muñoz: Stories Your Mother Never Told You*, organized by The Gallery at UTA, University of Texas at Arlington, which will be held September 28, 2003 – January 4, 2004.

A grant from the Texas Commission on the Arts in the amount of \$5,794.00 will cover the rental and shipping costs of the exhibition.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the PARKS AND RECREATION DEPARTMENT, and YWCA – CHILD CARE MANAGEMENT SERVICES for daycare cost subsidies to eligible low income families at the daycare center located at the Judge Morris A. Galatzan Recreation Center, more particularly described as 650 Wallenberg, El Paso, Texas 79912.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the PARKS AND RECREATION DEPARTMENT, and YWCA – CHILD CARE MANAGEMENT SERVICES for daycare cost subsidies to eligible low income families at the daycare center located at the Northeast Recreation Center, more particularly described as 5301 Salem, El Paso, Texas 79924.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the CITY OF EL PASO and DYANEH ARREDONDO, to extend the time of performance from January 29, 2003 to January 5, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANDREA JIMENEZ**, as an Undergraduate Intern for the Planning, Research and Development Department at the rate of \$7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from January 29, 2003 through January 28, 2004.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of February, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1005 S. Tays Street, in El Paso, Texas, which property is more particularly described as:

Lots: 8 and 9, Block 30, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Sally Mena, 5009 Hanesworth Ave., El Paso, Texas 79903, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of February, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7637 Hacienda Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 13, Block 4, Hacienda Heights, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 12, Page 11, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Manuel Maese and Martha Maese, 7637 Hacienda Avenue, El Paso, Texas 79915, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;

III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Information Technology:

Add	1.00	Secretary I	GS 13
Delete	1.00	Clerk Typist III	GS 13

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport:

Add	1.00	Environmental Engr. Tech.II	GS 26
Delete	1.00	Environmental Engr. Tech I	GS 24

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Parks & Recreation:

Add	.50	Park User Representative	GS 21
Add	.50	Park User Representative	GS 21
Delete	.50	Computer Apps. Suppt. Supv.	GS 25
Delete	.50	Computer Apps. Suppt. Supv.	GS 25

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*Motion made, seconded and unanimously carried to approve the request from Jose Corrales of the El Paso Water Utilities Department for Special Sick Leave.

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*Motion made, seconded and unanimously carried to appoint Yvonne Valdez to the Flood Damage Prevention Board of Appeals by Representative Paul Escobar.

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*Motion made, seconded and unanimously carried to appoint Margo Lowder to the Cable Communications Commission by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to appoint Rita Thacker Gomez to the Foster Grandparent Program Advisory Council by Representative Anthony Cobos.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C214-999-0020-6600, \$461.92 per month installments on a balance of \$5,543.04 for 2001 taxes; Dwayne M Aboud – 5902 Mira Hermosa.
- B. PID #1997-999-0659-0042, \$573.29 per month installments on a balance of \$3,439.74 for 2000 taxes; Ednor Food Service Co., Inc. – 11500 Rojas.
- C. PID #Y805-999-035B-0249, \$1,888.40 per month installments on a balance of \$11,330.40 for 2000 & 2001 taxes; Victor M. Rodriguez – Brisa M M Rubio – 8482 Alameda.
- D. PID #1997- 999-0986-0042, \$1,138.91 per month installments on a balance of \$11,389.10 for 2001 taxes; Acu-Crimp, Inc. – 1520 Goodyear.
- E. PID #0827-999-0754-0042, \$420.65 per month installments on a balance of \$3,365.20 for 2000 & 2001 taxes; Sure Print – 7806 Gateway East.

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 *Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to Tutor Com, Inc. in the amount of \$34,400.00. Tutor Com, Inc. is the sole provider of Live Homework Help in the State of Texas. Tutor Com, Inc. will provide on-site support, maintenance and assistance in the implementation of Live Homework Help. (Contract Number 2003-100)

Department : El Paso Public Library
 Funds available: 53150006-07014-502107, Grant G530310 Texas State Library
 Grant, TIF Grant FY03, Data Processing Services
 Award amount: \$34,400.00

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 *Motion made, seconded and unanimously carried to award Bid No.: 2003-013 Nichols Road Parkway & Road Improvements

Contractor: Southwest Growth, Inc.
 El Paso, Texas

Department: Street Department
 Funds Available: 71150069/G7127CD0023/07741/508027
 Funding Source: Community Development FY 2003
 Items: Base Bid I \$220,000.00
 Base Bid I-A \$ 440.00
 Base Bid II \$ 17,237.50
 Base Bid III \$ 66,210.48
 Base Bid III-A \$ 934.00
 Total Award: \$304,821.98

The Departments of Purchasing, Engineering and Street Department recommend the award of this contract to Southwest Growth, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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*Motion made, seconded and unanimously carried to approve the request of United Way of El Paso to hold 5k run/walk on February 16, 2003 from 8:30 a.m. to 9:15 a.m. Route: Start Kern & Mesa, proceed on Kern, right on Stanton, Left of Kerbey, turn around on Kerbey, right on Oregon, left on Baltimore, right on Randolph, right on Sunbowl, right on Kern, finish line 1 mile walk will go left on Sunbowl, turn around and finish on Kern. Approximately 700 persons will take part and 150 spectators are anticipated. This request includes permission to use amplification (2 speakers, microphone PA system). PERMIT NO. 03-002 [Chris Rowley]

*Motion made, seconded and unanimously carried to approve the request of United Way of El Paso to hold ½ run/walk marathon on February 16, 2003 from 8:00 a.m. to 11:00 a.m. Route: Start on Caper, left on Bois D'Arc, left on Springwood, right on McRae, Left on Daugherty, right on Backus, left on Glengarry, Right W.H. Burges, right on Juniper, left on Edgemere, right on Sioux, left on Aztec, right on Mescalero, left on Hughey, left on Magruder, right on Timberwolf, proceed on Timberwolf to Hastings, right on Marr, left on Altura, left on Louisiana, right on Richmond, proceed on Richmond to Scenic, left on Rim to Kerbey, right on Oregon, left on Baltimore, right on Randolph, right on Sunbowl, and right on Kern. Approximately 750 persons will take part and 200 spectators are anticipated. This request includes permission to use amplification (small P.A. system, 2 speakers). PERMIT NO. 03-004 [Chris Rowley]

ORDINANCE 15338

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 015116, WHICH GRANTED A SPECIAL PRIVILEGE PERMITTING SONIA E. COBOS TO ENCROACH ONTO A PORTION OF PUBLIC RIGHT-OF-WAY WITH A FOOD-VENDING CONCESSION IN THE DOWNTOWN AREA, BY TERMINATING LOCATION 14 FOR NON-PAYMENT PURPOSES.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone five (5) weeks the public hearing to determine if the property located at 2400 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Harold W. Crumley, 2514 E. Yandell Drive, El Paso, Texas 79903, has been notified of the violations at this property.

Motion made Representative Sariñana, seconded Representative Cook and unanimously carried to postpone eight (8) weeks the public hearing to determine if the property located at 8232 McElroy Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Angelica Reyes, 8232 McElroy Avenue, El Paso, Texas 79907 has been notified of the violations at this property.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Ms. Maria Reyes, property owner, explained that she received the property from her mother when she passed away and had been taken affirmative action according to her financial position. She commented that she has an interested party in purchasing the property and is aware of the conditions and is still willing to purchase the house.

Representative Sariñana asked why Building, Permits and Inspections Department are requesting that addition B be demolished.

Mr. Maguire explained that there was no structure damage but that addition B is not up to code.

Representative Sariñana, Cook and Escobar commented.

Representative Power questioned if the City is required to inform the new purchaser of the property status.

Ms. Ruth Reyes, Assistant City Attorney, replied yes.

The City Clerk called for further public comment. There was no further public comment.

.....
ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on November 26, 2002 and January 28, 2003, regarding the property located at 7563 Hacienda Avenue, more particularly described as:

Lot: 13, Block 1, Hacienda Heights

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated November 26, 2002, that is on or before January 28, 2003.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on January 28, 2003, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owners of said property, Floyd & Effie Brown, 7563 Hacienda Avenue, El Paso, Texas 79915, were notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owners committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owners failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days after November 26, 2002 that is, on or before January 28, 2003; and

- c. That the Owners have failed to comply with the Order each day from November 26, 2002 through January 28, 2003, a total of 33 days; and
- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owners in an amount not to exceed \$1,000.00 a day for each violation, a total of \$33,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 2. That the Owners are hereby assessed the following civil penalties: \$100.00 a day for each of the 33 days during which the City Council Order of November 26, 2002 was not complied with; for a total of \$3,300.00.
- 3. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
- 4. That the Owners are hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Representative Medina made correction of the district number from District 7 to District 3.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Order.

.....
 *Motion made, seconded and unanimously carried to postpone three (3) weeks the public hearing to determine if the Council Resolution of December 10, 2002, for the property located at 9050 Escobar Drive, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Escobar Partnership, 8811 Alameda Avenue, El Paso, Texas 79907, have been notified of the violations at this property.

Item: Discussion and action on a recommendation by the Bond Overview Advisory Committee that \$125,000 from Contingency Year 1 and \$142,000 from Contingency Year 2 be moved to the Blackie Cheshier Park Project and that the project contingency fund be limited to 5% of the project cost, provided the relocation is within bond covenants.

Representative Medina asked Ms. Terry Quezada, Public Works, if this money was coming from the May 2000 bond election, what the estimates were from the Parks and Recreation Department and what the matching funds from the Texas Wildlife and Parks Department was.

Ms. Terry Quezada, Municipal Services, replied and gave further details.

Mr. Ray Cox, Director of Parks and Recreation Department, gave more details on the grants for which the Parks and Recreation Department is considering submitting applications.

Representative Medina complained that the parks in his district were not being taken care of and questioned if there would be enough contingency money available for the other areas to include the parks in his district which he is already getting constituents' complaints about not completing projects that were approved in the 2000 bond election.

Mr. Cox explained further in detail the grants and shortfalls and responded to questions from Council Members.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the City staff is not recommending funding all the under funded projects and added that the City is looking into hiring a Project Manager.

Representative Escobar expressed his agreement on the need of a Project Manager.

Representative Rodriguez asked questions of Mr. Cox on alternate projects.

Mayor Caballero requested that the item be delayed so that Council Members could get more information.

Representative Cook asked questions of Mr. Cox in regards to the budget.

Representative Escobar agreed to postponing the issue for one (1) week and commented that the money needs to be used; otherwise, Texas Wildlife and Parks Department will take the funds away if not used.

Representative Sariñana commented on many projects that are in a budgetary short fall and gave the example of a park in his district where the jogging trail was not build due to lack of funds.

Representative Cobos requested that Council be sensitive to projects in other districts and support them.

Representatives Rodriguez and Medina requested a list of alternates and more information from the Parks and Recreation Department and the Bond Overview Advisory Committee.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to postpone one (1) week the discussion and action on a recommendation by the Bond Overview Advisory Committee that \$125,000 from Contingency Year 1 and \$142,000 from Contingency Year 2 be moved to the Blackie Cheshier Park Project and that the project contingency fund be limited to 5% of the project cost, provided the relocation is within bond covenants.

AYES: Representatives Rodriguez, Medina, Cook
NAYS: Representatives Power, Escobar, Sariñana and Cobos
EXCUSED: Representative Sumrall

Motion to postpone one (1) week fails.

Representative Cobos asked for the Bond Overview Advisory Committee's position.

Mr. Gus Haddad, Bond Overview Advisory Committee member, explained the committee's position with a unanimous vote on the recommendation above.

Mayor Caballero apologized for the lack of information from the City staff.

Representative Medina expressed his disbelief on losing grant funds and added that he was not against the project but against the process.

Motion made by Representative Escobar, seconded by Representative Power and carried to approve the recommendation by the Bond Overview Advisory Committee that \$125,000 from Contingency Year 1 and \$142,000 from Contingency Year 2 be moved to the Blackie Cheshier Park Project and that the project contingency fund be limited to 5% of the project cost, provided the relocation is within bond covenants.

AYES: Representatives Power, Escobar, Sariñana and Cobos
NAYS: Representatives Rodriguez and Cook
ABSTAINED: Representative Medina
EXCUSED: Representative Sumrall

.....
No action was taken on the discussion and action to approve emergency funding to erect a chain link fence for security reasons around the property located at 1831 Bassett Avenue.

Representative Cobos gave explanation and thanked Mayor Caballero, Charlie McNabb, Chief Administrative Officer, City staff and all the donors for getting chain link in an expeditious after such a tragic fire at this location.

Ms. Lisa Turner, citizen, stated that the old building has burned three (3) times and mentioned the possibility of asbestos.

Mayor Caballero asked questions about the property of Mr. Thomas Maguire, Building, Permits and Inspections.

Mr. Thomas Maguire explained the department's findings on the property.

Charlie McNabb, Chief Administrative Officer, explained that the building is a safety hazard and not an environmental hazard.

Ms. Esther Perez, citizen, expressed her concern about the neighborhood and children in the area.

Ms. Hilda Villegas, citizen, asked if a team could be formed to address zoning changes and cleanup.

Mayor Caballero recommended that Ms. Venegas talk to the Planning, Research and Development Department about neighborhood associations.

.....
Motion made Representative Medina, seconded by Representative Cook and unanimously carried to hire Carl A. Parker, P.C. & Froy Salinas as a state lobbyist for the 78th Legislative Session and to direct the City Attorney's office to negotiate the Professional Services Agreement, with the requirement that a local office of the firm be opened in El Paso.

Representative Cook requested that the law firms interested come up and explain.

Mr. Carl Parker and Mr. Floyd Salinas introduced themselves, outlined their experience and mentioned some of their clients.

Representative Medina questioned Mr. Salinas about his clients and pointed out the firm's contacts and relationships as outstanding.

Representative Power expressed his concern on Mr. Salinas's comment about the City of El Paso's ideas being ambitious. He stated that he believes that ambitious ideas lead to success.

Representatives Cobos, Medina and Power made additional comments.

Ms. Lisa Turner expressed her concerns.

Representative Sariñana expressed his concern about law firms being involved with other cities.

Ms. Rita Rodriguez, City Attorney, explained to Council there is no conflict with serving several cities.

Mr. Michael Crowe, Hilgers and Watkins, introduced himself, outlined the firm's experience and mentioned some of their clients. He also mentioned that they have an office in El Paso, Texas.

Representative Medina recommending signing the contract only for the remainder of the legislative session in order to test them.

.....
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Escobar was not present for the vote.

- A. An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.08 (Building Code) by amending Section 18.08.050 (Section 501.2 Amended – Premises Identification), to modify the requirements for building numbering, the penalty being as provided in Section 18.02.107 of the Code.
- B. An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.5 (Existing Buildings), to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in Section 18.04.107 of the Code.
- C. An Ordinance permitting Texas Avenue Heritage Association to use San Jacinto Plaza from 1:00 PM until 5:00 PM on February 16, 2003 through April 20, 2003 (Sundays only).
- D. An Ordinance granting a renewal of the franchise for Sunwest Ambulance, Inc. to operate a non-emergency ambulance transfer service.

PUBLIC HEARING WILL BE HELD ON, THURSDAY, FEBRUARY 13, 2003 FOR ITEMS A - D

- E. An Ordinance Granting Special Permit No. SU-02026 to satisfy parking requirements for Parcel I, described as Lot 1, Block 53, A REPLAT OF BLOCK 53, KERN PLACE ADDITION, (Mesa Ave. and Kern Blvd.) by allowing off-site off-street parking on Parcel 2, described as Lot 2, Block 53, A REPLAT OF BLOCK 53, KERN PLACE ADDITION (Mesa Ave. and Gregory Way), all within El Paso, El Paso County, Texas, pursuant to Section 20.28.040.N. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: A-O/c (Apartment-Office/conditions) Applicant: H. M. Maldonado/ Representative: Dimensions Architects International, 4150 Rio Bravo, #102, El Paso, TX 79902.
- F. An Ordinance Granting Special Permit No. SU-02027 to satisfy parking requirements for Parcel I, described as Tracts 26A, 26B, 26B2, 26C, 27A, 27A1 & 27A2, ELIJAH BENNET SURVEY NO. 11, (5115 El Paso Drive) by allowing off-site off-street parking on Parcels 2 & 3, described as Lots 18 & 19, Block 1 and Lots 13, 14, & 15, Block 1, HADLOCK'S SUBURBAN GARDEN, (227 Colfax Avenue and 213 & 217 Colfax Avenue) all within El Paso, El Paso County, Texas, pursuant to Section 20.14.040.S. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-5 (Residential) Applicant: City of El Paso/ Representative: Synthesis Architecture, Inc., 299 Shadow Mtn. Drive, Suite B, El Paso, TX 79912.
- G. An Ordinance changing the zoning of Lots 9, 10 and the North 6 feet of Lot 8, Block 5, ALEXANDER ADDITION, El Paso, El Paso County, Texas (1119 North Virginia Street) from A-2 (Apartment) to A-O (Apartment-Office). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Sam D. Arney, 655 Nenna Court, El Paso, TX 79932 ZC-02065.

- H. An Ordinance changing the zoning of a portion of Tract 1, Section 41, Block 79, Township 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, El Paso, El Paso County, Texas (Loop 375 and Edgemere Boulevard) from C-1/c (Commercial/conditions) to R-5/c (Residential/conditions). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: JNC Development Co. / Representative: Conde, Inc.; 1790 Lee Treviño Drive, El Paso, TX 79936. ZC-02067.
- I. An Ordinance granting Special Permit No. SU-02029, to allow for a planned residential development on a portion of Tract 1, Section 41, Block 79, Township 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, El Paso, El Paso County, Texas (Loop 375 and Edgemere Boulevard) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Zone: R-5/c (Residential/conditions). Applicant: JNC Development Co. / Representative: Conde, Inc.; 1790 Lee Treviño Drive, El Paso, TX 79936.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 18, 2003 FOR ITEMS E - I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to excuse Representative Jan Sumrall from the Regular Council Meeting of January 28, 2003.

***RESOLUTION**

WHEREAS, the Tigua Indian Reservation has become an integral part of El Paso's economy; and,

WHEREAS, the Tigua Indian Reservation and Gambling Casino was a major El Paso tourism attraction; and,

WHEREAS, the closing of the Casino had a significant adverse economic impact in the entire community; and,

WHEREAS, the Tigua Indian Gambling Casino contributed significantly more jobs, housing, and a higher quality of life for the Tiguas, as well as for El Pasoans; and,

WHEREAS, The Tigua Indians have established themselves in the Lower Valley at the heart of Ysleta next to the Ysleta Mission; and,

WHEREAS, self-empowerment and self-determination have been a goal of indigenous peoples in these United States of America:

NOW, THEREFORE BE IT RESOLVED that the City of El Paso wholeheartedly supports the legislative efforts of the Tigua Reservation to maintain its right to economic self-determination by seeking legislation to allow casino gaming on its reservation.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute an Amendment to Partnership Agreement between the Upper Rio Grande Workforce Development Board and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Agreement.

.....
*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign an application to cross a portion of El Paso County Water Improvement District No. 1 property known as the Mesa Drain, for the project known as "Mesa Drain Chain Link Fence," such application is to include an application fee of ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00); and that the Mayor be authorized to submit to the El Paso County Water Improvement District No. 1 an additional FIVE HUNDRED AND 00/100 DOLLARS (\$500.00) fee for surveying costs related to this project. Total cost to the City is ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00).
.....

***R E S O L U T I O N**

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2003 BOND ACQUISITIONS FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS. (McCOMBS LANDFILL LINER)

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes (Tax-Exempt Obligations") pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will install the Landfill liner on 20 (twenty) acres at the City's McCombs landfill in compliance with state and federal statutes, regulations and guidelines; and,

WHEREAS, the City has concluded that it does not currently desire to issue Tax-Exempt Obligations to finance the costs associated with the acquisition of the items listed herein; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the items listed herein from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue Tax-Exempt Obligations to reimburse itself the costs associated the items listed herein; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. The City Council hereby declares the intention of the City of El Paso, Texas, pursuant to Regulation Section 1.150-2(e) of the United States Internal Revenue Code, to finance expenditures to be incurred from the proceeds of the sale of the City's Tax-Exempt Obligations.

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the acquisition of the items listed from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof.

Section 3. The City reasonably expects that the maximum principal amount of Tax-Exempt obligations issued to reimburse the City for the costs associated with the items listed herein will not exceed \$3,500,000.

Section 4. The Mayor is hereby authorized to make any necessary budget appropriations or adjustments to comply with the intent expressed in this resolution.

No action was taken on the introduction of RICARDO ARMENDARIZ, Intergovernmental Relations Officer.

Ms. Rita Rodriguez introduced Mr. Armendariz and gave his experience and background.

Mr. Ricardo Armendariz introduced himself and thanked the Council for his appointment.

.....
Motion made, seconded and unanimously carried to approve the Section 108 Guaranteed Loan Application in the amount of \$5,000,000 which is proposed to be submitted by the City of El Paso to the U.S. Department of Housing and Urban Development.

Ms. Debbie Hamlyn, Director of Community & Human Development, gave the particulars.

Mayor Caballero commended Ms. Hamlyn and her staff on a job well done.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, having conducted a public hearing on the proposed Section 108 application, City Council authorizes the Mayor to sign and submit to the U.S. Department of Housing and Urban Development (HUD) an application and relevant certifications for a Section 108 Guaranteed Loan in the amount of \$5,000,000 to be used by the City for a Section 108 Redevelopment Loan Program for economic development and housing rehabilitation activities that are eligible under the Community Development Block Grant (CDBG) Program regulations; and

That the Mayor be authorized to sign HUD Form 7082 (Funding Approval), the Fiscal Agency Agreement and the Contract for Loan Guarantee Assistance and other contractual documents as may be required by HUD for and in connection with the Section 108 Loan Guarantee Program; and

That the Mayor be authorized to sign all Environmental Assessments, Requests for Release of Funds, certifications and performance reports required by HUD for activities covered by the Section 108 Guaranteed Loan Program; and

That Deborah G. Hamlyn, Director of Community and Human Development, be authorized to act in connection with the Section 108 Guaranteed Loan Application to provide such additional information as may be required; and

That the City Council authorize the use of the City's Community Development Housing Rehabilitation Revolving Loan Fund (RLF) as the revenue source for future repayment to HUD under the Section 108 Guaranteed Loan.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

.....
Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign Professional Services Agreement between the City of El Paso and Carl A. Parker, P.C. & Froy Salinas to include state consulting and lobbying during the 78th Texas Legislative Session.
.....

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the discussion and action on resuming yard waste pick-up until all 16 neighborhood collection sites are operational.

Representative Cook recommended leasing roll-offs in the meantime until purchased.

Representative Sariñana questioned why the discussion was just now taking place if the decision was made during the budget hearings for year 2003.

Charlie McNabb, Chief Administrative Officer, gave the particulars on the rental of roll-offs, emptying the roll-offs and the labor costs.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to recess City Council Meeting to discuss the Special City Council Meeting at 12:12 p.m.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to reconvene the City Council Meeting from the Special City Council Meeting at 12:36 p.m.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:36 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 – 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Nationwide, 01-C-301 (551.071)
- B. Estate of Bernice Warner, 03-COL-001 (551.071)
- C. Alberto Torres, 02-C-123 (551.071)
- D. Juan M. Gonzalez, 02-C-236 (551.071)
- E. Federal Republic of Germany, 01-C-241B (551.071)
- F. Francisca Acosta, 02-C-088B (551.071)
- G. Lee Boulevard Right of Way Acquisition – TIP Roadway Construction Project (551.072)
- H. Discussion and action on the purchase of a 10.176 acre tract of raw land described as Tracts 2A, 2B, 2C, 2D, 2D1, 2D2, and 2E, Elijah Bennet Survey No. 11, El Paso County, Texas. (551.071 and 551.072)

Motion made by Representative Rodriguez, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session at 1:05 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the claim entitle **Nationwide; Our File No. 01-C-301** be **DENIED** as recommended by the City Attorney.

Representative Power was not present for the vote.

Motion made by Medina, seconded by Representative Cook and unanimously carried that the City Attorney's Office be **AUTHORIZED TO FILE ANY NECESSARY PAPERWORK TO REDEEM THE BONDS AND THAT THE CITY ATTORNEY BE AUTHORIZED TO SIGN ANY PAPERWORK** in the matter entitled **Estate of Bernice Warner; Our file No. 03-COL-001** as recommended by the City Attorney.

Representative Power was not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the claim entitled **Alberto Torres; Our File No. 02-C-123** be recommended by the City Attorney.

Representative Power was not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the claim entitled **Juan M. Gonzalez; Our File No. 02-C-236** be **DENIED** as recommended by the City Attorney.

Representative Power was not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Power and unanimously carried that the claim entitled **Federal Republic of Germany; Our File No. 01-C-241B** be **DENIED** as recommended by the City Attorney.

Representatives Rodriguez and Power were not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED TO REJECT SETTLEMENT OFFER PROPOSED BY FRANCISCA ACOSTA** in the claim entitled **Francisca Acosta; Our File No. 02-C-088B**, as recommended by the City Attorney.

Representatives Rodriguez and Power were not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City's agent and City Attorney be authorized to negotiate counteroffers from property owners for right of way acquisition of Lee Boulevard for the following parcels 18, 19, and 36, as recommended by the City Attorney, and that the Mayor and City Attorney be authorized to sign any related documents.

Representatives Rodriguez and Power were not present for the vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to sign the contract and any other documents necessary to effectuate the purchase of 10.176 acre tract of raw land described as Tracts 2A, 2B, 2C, 2D, 2D1, 2D2, and 2E, Elijah Bennet Survey No. 11, El Paso County, Texas.

Representatives Rodriguez and Power were not present for the vote.

.....
Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 1:09 p.m.

Representatives Rodriguez and Power were not present for the vote.

.....
APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk